

# Exhibit 13



Ashley Neese &lt;[REDACTED]@gmail.com&gt;

**FW: Attached Image**

1 message

[REDACTED]@gtlaw.com <[REDACTED]@gtlaw.com>  
To: [REDACTED]@gmail.com

Thu, Nov 8, 2018 at 12:43 PM



**David G. Barger**  
Shareholder,

Chair, Tysons Litigation Group  
Greenberg Traurig, LLP | 1750 Tysons Boulevard, Suite 1000 | McLean, VA 22102  
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**EXHIBIT 13**

**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Thursday, November 8, 2018 12:43 PM  
**To:** 'Hardy, Lyn (OPR)' <[Lyn.Hardy@usdoj.gov](mailto:Lyn.Hardy@usdoj.gov)>  
**Subject:** RE: Attached Image

Ms. Hardy, I am writing to further inquire if you can advise a date by which OPR FOIA will produce documents responsive to Ms. Neese' July 2018 FOIA and Privacy Act requests. To date as you know OPR FOIA has not produced any

documents, despite being advised such delay has prejudiced my client, and has not advised of a date by which we may expect production. Thank you for your attention to this request. Regards. David Barger.



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**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Wednesday, October 17, 2018 4:38 PM  
**To:** 'Hardy, Lyn (OPR)' <[Lyn.Hardy@usdoj.gov](mailto:Lyn.Hardy@usdoj.gov)>  
**Subject:** RE: Attached Image

Ms. Hardy, thank you for your email but respectfully, you have never answered my repeated questions on when we may expect the first round of production. As I have previously pointed out, some of this information is quite easy to produce as it was already compiled – such as the information produced to the US by Mr. Beers.

Additionally, according to the statute, it is the obligation of the agency, if the agency is contending that the request is an "unusual circumstances" request, to provide a "the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph." See 5 USC 552. OPR FOIA has never provided to us "the date on which a determination is expected to be dispatched" and it has obviously been well more than ten working days after the original 20 working day time period. Thus, OPR's failure to provide us with "the date" we are expected to get any documents, along with its failure to produce any documents since the initial request in July, 2018, is a clear statutory violation.

Please provide us with the first round of documents as part of rolling production, as well as the date by which we should receive additional documentation in accordance with our request dated July 20, 2018. Regards. David.



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**From:** Hardy, Lyn (OPR) [mailto:[Lyn.Hardy@usdoj.gov](mailto:Lyn.Hardy@usdoj.gov)]  
**Sent:** Wednesday, October 17, 2018 12:11 PM  
**To:** Barger, David G. (Shld-NVA-LT) <[\[REDACTED\]@gtlaw.com](mailto:[REDACTED]@gtlaw.com)>  
**Subject:** RE: Attached Image

Mr. Barger,

I'm sorry if there has been a miscommunication, but I have answered your question several times. Pursuant to the procedures and requirements of the FOIA, your request is put in a queue with the complex matters and out of fairness to other requesters (and as required by the FOIA) we take the matters in the order in which they are received. We have several large FOIA requests that are in the queue before your FOIA request. It is not known when we will get to your request, but I assure you, we are working as diligently and quickly as possible. The "unusual circumstances" pertaining to this request exist because the records you seek contain information of interest to other Department components and OPR can respond only after consulting with those offices regarding their information. As already noted, because of these unusual circumstances, OPR has extended the time limit to respond to your request beyond the ten additional days provided by the statute.

If you would like to read more about the FOIA and its procedures, there are many online resources available. See e.g. <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>. There is also resource information on FOIA.gov.

Best,

Lyn Hardy

**From:** [REDACTED]@gtlaw.com <[REDACTED]@gtlaw.com>  
**Sent:** Tuesday, October 16, 2018 3:59 PM  
**To:** Hardy, Lyn (OPR) <Lyn.Hardy@opr.usdoj.gov>  
**Subject:** RE: Attached Image

Ms Hardy, I am again writing you to inquire about the status of my client's FOIA and Privacy Act request. You have not responded to my Sept. 11 request, nor my email below to indicate a date by which we can at least receive an initial production. As I have previously said, time is of the essence to receive responsive documents. Please let me know when we can expect at least the first production in the rolling production. It would seem to me to be fairly easy to produce at a minimum the documents that were submitted to the USAO WDVA by Mr. Beers regarding my client, Ms. Neese.

Because we have never been given any date for even an initial production, it seems to me that that is becoming problematic given the statutory mandates. I am happy to discuss this with you of course and see if we can move this forward. Please give me a call. Regards. David.



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**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Wednesday, October 3, 2018 11:43 AM  
**To:** 'Hardy, Lyn (OPR)' <[Lyn.Hardy@usdoj.gov](mailto:Lyn.Hardy@usdoj.gov)>  
**Subject:** RE: Attached Image

Ms. Hardy, thank you for your email. I did receive OPR's Sept. 10, 2018 letter, as was evident from my Sept. 11, 2018, letter which noted that I had received your Sept. 10, 2018 letter. It is my Sept. 11, 2018 letter to which OPR has not responded. Can you please let me know when we can expect some substantive response and at least, an initial production? Time is of the essence as there is a pending OPR inquiry and any further delays will prejudice my client. Respectfully, as you know, not a single document has been produced to date.

David Barger.



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**From:** Hardy, Lyn (OPR) [mailto:[Lyn.Hardy@usdoj.gov](mailto:Lyn.Hardy@usdoj.gov)]  
**Sent:** Wednesday, October 03, 2018 11:10 AM  
**To:** Barger, David G. (Shld-NVA-LT)  
**Subject:** RE: Attached Image

Mr. Barger,

Thank you for your e-mail. On September 10, 2018, OPR sent you an acknowledgment letter regarding your request. I have reattached that letter here in case you did not receive it. In that letter, we advised you that your request has been assigned to the complex track, and was added to the queue for complex-track requests. In fairness to all requesters, OPR responds, to the extent practicable, to requests in the order they are received. Please note that in FY 2018, OPR received almost 200 FOIA requests. We are making every effort to respond to requesters as quickly as possible.

Thank you.

Lyn Hardy

Lyn Hardy

Senior Counsel

U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Ave., N.W. Room 3266

Washington, D.C. 20530

(202) 514-3365 (office)

(202) 514-8924 (direct)

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**From:** [\[REDACTED\]@gtlaw.com](mailto:[REDACTED]@gtlaw.com) <[\[REDACTED\]@gtlaw.com](mailto:[REDACTED]@gtlaw.com)>  
**Sent:** Sunday, September 30, 2018 10:11 PM  
**To:** OPR.FOIA <[OPR.FOIA@jmd.usdoj.gov](mailto:OPR.FOIA@jmd.usdoj.gov)>  
**Subject:** RE: Attached Image

Ms. Hardy, I am following up on my emails and letter of September 11, 2018, none of which have generated a response. Under the statutes, my client is owed a response. Please advise. David Barger.



David G. Barger  
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**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Friday, September 21, 2018 4:02 PM  
**To:** [opr.foia@usdoj.gov](mailto:opr.foia@usdoj.gov)  
**Subject:** FW: Attached Image

Ms. Hardy,. Please see my letter of September 11, 2018, to which I have not received a response. Please respond.  
 Thank you. David Barger.



**David G. Barger**  
 Shareholder,

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**From:** Barger, David G. (Shld-NVA-LT)  
**Sent:** Tuesday, September 11, 2018 1:03 PM  
**To:** 'opr.foia@usdoj.gov' <opr.foia@usdoj.gov>  
**Subject:** FW: Attached Image

Ms. Hardy, please see the attached correspondence. Regards. David Barger.



**David G. Barger**  
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**From:** no\_reply@gtlaw.com [mailto:no\_reply@gtlaw.com]  
**Sent:** Tuesday, September 11, 2018 1:15 PM  
**To:** Barger, David G. (Shld-NVA-LT) <[dbarger@gtlaw.com](mailto:dbarger@gtlaw.com)>  
**Subject:** Attached Image

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